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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

FRANCIS JAMES JOHNSON,

Petitioner,

v.

WARDEN BRIAN WILLIAMS, et al.,

Respondents.

Case No. 2:19-cv-00859-KJD-CWH

ORDER

Francis James Johnson has submitted a 28 U.S.C. § 2254 habeas corpus petition on the court's form (ECF No. 1-1). The court screens the petition pursuant to Rule 4 of the Rules Governing Habeas Corpus Cases Under Section 2254. Johnson included a financial certificate but did not file an application to proceed in forma pauperis or pay the filing fee (see ECF No. 1). Accordingly, this matter has not been properly commenced. 28 U.S.C. § 1915(a)(2), LSRs 1-1, 1-2.

Moreover, Johnson's purported habeas petition actually challenges a motion to declare him a vexatious litigant brought in state court. But federal habeas relief is only available on the ground that Johnson is in custody in violation of his federal constitutional rights. § 2254(a). In any event, this action shall be dismissed as improperly commenced.

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IT IS THEREFORE ORDERED that the Clerk **shall detach and file** the petition (ECF No. 1-1).

IT IS FURTHER ORDERED that the petition is **DISMISSED**.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the Clerk shall enter judgment accordingly and close this case.

DATED: 3 October 2019.



KENT J. DAWSON
UNITED STATES DISTRICT JUDGE